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New York

SUMMARY RECORD OF THE 26th MEETING

Chairman:	Mr. MAYCOCK	(Barbados)
later:	Ms. MUSTONEN (Vice-Chairman)	(Finland)
later:	Mr. MAYCOCK (Chairman)	(Barbados)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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OTHER MATTERS

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 117: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued) (A/45/16 (Part I) and Add.1 and A/45/16 (Part II), A/45/226, A/45/370 and A/45/617)

1. Mr. BELHAJ (Tunisia) said that the analytical report of the Secretary-General on the implementation of General Assembly resolution 41/213 (A/45/226) contained very little analysis and no critical examination. It was therefore inconsistent with the recommendation made by the Committee for Programme and Co-ordination (CPC) in paragraph 28 of its report (A/44/16). Nevertheless, the information provided was interesting and topical and gave an impression of the resolution's impact on the functioning of the United Nations. The results were not those which had been expected. The figures provided in the report did not facilitate a precise and comprehensive evaluation of the real impact on programmes of recommendation 15 of the Group of 18, and it was questionable whether the reform process had improved the administrative and financial functioning of the Organization or strengthened its capacity.

2. Little progress had been made in the economic and social fields, which were areas of unquestionable priority. The time had come for Member States to show that the Organization really was the forum in which to solve all problems by means of dialogue and collective action and that it had outgrown the era of systematic refusals to carry out certain activities, particularly those relating to the mandate of the Economic and Social Council, as well as the era of the cold war and the sterile confrontation of different systems. The reform's success would be measured by the extent to which it was possible to develop and establish a fully comprehensible system of collective security, which must be achieved through economic and social development and the establishment of environmental priorities. Following the Organization's recent successes in peace-making activities and those relating to the independence of Namibia, the United Nations was in a better position than ever effectively to address development issues. Its objectives and activities must not be restricted as a result of deliberate limitations on resources. Zero-growth budgeting, which for some had become an end in itself, would not allow the Organization to meet its ever growing requirements, and his country opposed such an approach. The reduction of international tension should serve to convince the unwilling that the Organization must be given the financial security required to fulfil its mandates, meaning that Member States must pay their contributions on time.

3. The reform plan had not been entirely successful in the areas of personnel and programmes. Developing countries' representation had been declining constantly since 1986, particularly in high-level posts. Paragraph 83 of the Secretary-General's report clearly indicated the adverse effects on equitable geographical distribution of a reform process which must not be allowed to lead to a systematic elimination of posts, thus depriving the Organization of its staff. Much, moreover, remained to be done to make the reform of conference services effective. Post reductions and rationalization by means of a reform process with

(Mr. Belhaj, Tunisia)

obvious limits would not make it possible to re-establish the effectiveness and capacity of those services. The budget process introduced under resolution 41/213 did not alter the provisions of Article 18 of the Charter; while it was convenient to reach a consensus, great care must be taken not to jeopardize the sovereign equality of States, which was one of the fundamental principles of the Organization.

4. Ms. GOICOCHEA (Cuba) said that, under recommendation 71 of the Group of 18, the report on the implementation of reform measures submitted in 1989 by the Secretary-General in document A/44/222 should have been his final report. That, however, had not been possible because the report was compiled before the end of the envisaged three-year period. Meanwhile, the analytical report now before the Committee (A/45/226) did not conform with the guidelines set out in paragraph 16 of General Assembly resolution 44/200. It was to be hoped that the Secretariat would, during the current session, provide the Committee with the information required to draw final conclusions on application of the recommendations.

5. The reform process was continuous in the sense that it required a whole series of measures to make the Organization more efficient. That did not mean it was necessary to continue applying the recommendations of the Group of 18, which had already run their course and whose implementation was being analysed. It was now a matter of consolidating the progress achieved.

6. The strengthening of the Committee on Conferences was related to the new responsibilities which that body had assumed under recommendation 1 of the Group of 18. The current composition of the Committee more accurately reflected the geographical composition of the United Nations. Improving the composition of organs was a factor which should always be borne in mind, just as had been done in the report of the Secretary-General on the compendium of mandates of subsidiary administrative and budgetary bodies of the General Assembly (A/45/370). It should, however, be noted, as was clear from the discussions on shortcomings in the area of publications, that full efficiency had not been achieved in conference services.

7. Nor had the objective set forth in recommendation 3 (d) of the Group of 18, concerning the distribution of General Assembly agenda items, been fully attained, because some committees were still considering items for which they were not directly responsible or because different committees were considering very similar items. In that context, the report on the intergovernmental structure of the United Nations and its functions in the economic and social fields to be submitted by the Secretary-General in accordance with resolution 44/103, which was to be considered in plenary meetings, should also be provided to the Fifth Committee as a reference document relating to the item under consideration. The reform process should be global and intersectoral, and it was difficult to understand why an attempt should be made to deal with a process of change in the economic and social sectors outside the framework of the Fifth Committee when that Committee was the body responsible for addressing administrative and budgetary problems and, therefore, for the analysis of those sectors' efficiency. She hoped that the Secretariat would give appropriate guidance to Member States with a view to avoiding the overlapping of functions and duplication of work.

READEX FICHE

(Ms. Goicochea, Cuba)

8. Member States had always been concerned that the post reductions provided for under recommendation 15 of the Group of 18 should not have negative effects on programmes. In paragraph 258 of the analytical report, the Secretary-General indicated that such effects had been avoided, but not without pain. It was nevertheless a cause of concern that, as indicated in paragraph 6 of the report on programme performance (A/45/218), the overall rate of implementation for the biennium 1988-1989 had amounted to only 74 per cent. The Secretariat should inform the Committee how the reduction of permanent posts had affected the level of performance, bearing in mind the contents of paragraph 11 of that report. The Secretariat should also draw up a document comparing the level of programme performance in the three-year period 1987-1989 with performance during the period 1984-1986.

9. Although the number of regular budget posts had been reduced, those funded from extrabudgetary resources had increased, evoking doubts as to the real effects of recommendation 15 and highlighting the need for stricter control by the Assembly over extrabudgetary funds.

10. With regard to the emphasis on reduction of high-level posts called for in recommendation 15, at the forty-fourth session of the General Assembly there had been serious discussion about the reduction of posts of special importance to the developing countries, such as the Assistant Secretary-General post in the United Nations Conference on Trade and Development (UNCTAD) which was occupied by an official from the region of Latin America and the Caribbean. Lastly, paragraph 3 of section I of General Assembly resolution 44/201 B requested the Secretary-General to identify four additional high-level posts for reduction. It was therefore disheartening to read in the list of staff members contained in document ST/ADM/R.44 that, contrary to the General Assembly's instructions, there was a new Under-Secretary-General post at the United Nations Office at Geneva. The Secretariat ought to explain the situation.

11. With regard to the process for adoption of administrative and budgetary decisions, his delegation reaffirmed its comments made at the previous session concerning the fragility of consensus, which applied equally to the consideration of the proposed medium-term plan, i.e., that certain concepts, programmes or programme elements which were unacceptable or not included in the General Assembly's mandates should be rejected.

AGENDA ITEM 119: PROGRAMME PLANNING (continued) (A/45/6, A/45/16 (Part I) and Add.1, A/45/16 (Part II), A/45/204, A/45/218 and Corr.1 and Add.1 and Add.1/Corr.1, A/45/279 and A/45/617; A/C.5/45/CRP.1)

12. Mr. ABRASZEWSKI (Chairman of the Committee for Programme and Co-ordination) said that the comments of the Committee for Programme and Co-ordination (CPC) on the report on the programme performance of the United Nations for the biennium 1988-1989 (A/45/218) were contained in paragraphs 333 to 343 of the CPC report (A/45/16 (Part I)). While CPC acknowledged that some of its recommendations had been carried out, it noted inter alia that the magnitude of the conceptual and

(Mr. Abraszewski)

methodological problems which had still not been solved and were still apparent in the programme performance had prevented it from drawing any concrete conclusions about the output by section of the programme budget or by major programme of the medium-term plan, and it indicated several areas in which improved methodology would facilitate the objective quantification and evaluation of performance.

13. With regard to the application of evaluation findings in programme design, delivery and policy directives, analysed in paragraphs 344 to 350 of its report, CPC had taken note of several rather discouraging but frank comments contained in the report of the Secretary-General (A/45/204) and recommended several measures which should be taken in the area.

14. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) informed the Fifth Committee of the Advisory Committee's opinion concerning the question of evaluation and its relation to the planning process and the role played by intergovernmental bodies in that regard (document A/45/617, para. 17). Much still remained to be done in order for the evaluation findings and the decisions of the relevant intergovernmental bodies, including the Committee for Programme and Co-ordination (CPC), to be integrated into the planning process. The Advisory Committee believed that the report of the Secretary-General was very instructive in that it indicated the kind of measures needed to achieve that objective.

15. He also informed the Fifth Committee of the Advisory Committee's views concerning the value of the report on programme performance contained in paragraphs 22 and 23 of document A/45/617. He did not know whether the recommendation set out in those paragraphs would be accepted by the Fifth Committee, but it reflected the Advisory Committee's opinion as to the limited value of the Secretary-General's report on programme performance. Frankly, the Advisory Committee believed that the resources and the time devoted to the preparation and consideration of the report were disproportionate to its value, and that it might therefore perhaps be necessary to review its nature, format and content.

AGENDA ITEM 126: PERSONNEL QUESTIONS (continued) (A/45/541 and A/45/548; A/C.5/45/3, A/C.5/45/10 and Corr.1, A/C.5/45/11, A/C.5/45/12, A/C.5/45/18 and A/C.5/45/19)

16. Mr. McBARNETTE (Trinidad and Tobago) said that despite the awareness of the importance of the staff of the United Nations, its situation had been difficult in recent years and had generated frustration and anxiety. It was therefore necessary to institute a personnel policy which would relieve the anxiety about further reductions in staffing levels and which stressed inter alia career development and promotion based on merit. In that connection his delegation welcomed the statement of the Assistant Secretary-General for Human Resources Management on a future career development system and career prospects and on the adoption of measures to remove bottle-necks in the promotion process. Some of the proposed measures were far-reaching and should be given closer examination by Member States and the staff representatives; they were nevertheless very interesting.

(Mr. McBarnette, Trinidad and Tobago)

17. Turning to the report of the Secretary-General on the composition of the Secretariat (A/45/541), he said that the issue of posts subject to geographical distribution deserved further in-depth study. It was disturbing to note that, of the States of the subregion to which his country belonged, three were at the top of their desirable range, nine were below their mid-point and one was unrepresented, and that the majority of the posts held by staff members from the subregion were at the P-3 level and below. The situation presented a particular disadvantage since it restricted the ability of the subregion to have its views and perspectives reflected at the policy-making level of the Organization. Furthermore, his delegation found the number of Secretariat posts subject to geographical distribution, i.e., 2,561, extremely low and it awaited the Secretary-General's proposals on the subject.

18. The report of the Secretary-General on improvement of the status of women in the Secretariat (A/45/548) showed that, despite the special measures employed by the Secretariat to achieve the 30 per cent target for posts subject to geographical distribution occupied by women, the proportion had reached only 28.3 per cent, following the recruitment of 46 women between June 1989 and June 1990 and that the appointments had been made at the lower end of the Professional category. It was important in the future for women to be recruited to policy-making posts and for attention to be paid to the recruitment of women from the developing countries.

19. His delegation commended the initiative to prepare a career development handbook for General Service staff at Headquarters and other initiatives aimed at restructuring the secretarial posts in the Organization. It supported the Assistant Secretary-General in his efforts not merely to achieve the percentages established by the General Assembly but also to rid the Secretariat of all vestiges of discrimination. As the Assistant Secretary-General had indicated, higher priority should be given to training in general and not only to language training. That would enable the Organization to tackle the new challenges and demands in the decade ahead. But it must be emphasized that the training function must be part of a career development plan.

20. The Secretary-General's report on secondment from government service (A/C.5/45/12) identified the problems associated with the practice of secondment; although secondment had been abused, it could be beneficial both for Member States and for the United Nations, if used on a limited basis. However, the practice of earmarking posts for nationals of certain Member States, particularly at the senior level, must be discontinued. The Administrative Tribunal had recently given a decision maintaining the practice of secondment, and the Secretary-General's proposal for the introduction of procedures which would establish precise conditions for each secondment should remove most of the difficulties. It would be important for the Secretary-General to establish a ceiling on the number of seconded staff in the Organization and to ensure that, as far as possible, recruitment by secondment did not affect the mobility of other staff members.

(Mr. McBarnette, Trinidad and Tobago)

21. The report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/45/10) recorded the large number of United Nations staff members who had been subject to arbitrary arrest and detention and who had even lost their lives in the performance of their work. At a time when the Organization was being called upon to undertake new and inherently dangerous tasks, respect for the privileges and immunities of the personnel was more important than ever. His delegation joined the Secretary-General and several Member States in requesting the States identified in the report scrupulously to respect the privileges and immunities of United Nations personnel.

22. Now that the Organization was enjoying unprecedented support from Member States and public opinion and was being called upon to do more and to do it more effectively, it must be able to meet the challenge. The staff had demonstrated, particularly in the activities of the United Nations Transition Assistance Group (UNTAG) in Namibia, that if motivated and effectively managed it was capable of high productivity. Staff members must therefore be offered working conditions in which their creative talent and abilities could take root and be appropriately rewarded. The effort must not be limited to Headquarters but extended to all the staff members working in the field.

23. Mr. ALI KHAN (Pakistan) said the necessity of securing the highest standards of efficiency, competence and integrity and of recruiting the staff on as wide a geographical basis as possible, as stipulated in Article 101, paragraph 3, of the Charter of the United Nations, remained the fundamental principle for the recruitment and retention of staff, a principle appropriately reflected in operative paragraph 4 of resolution 44/185 A.

24. His delegation noted with satisfaction that in the past year the situation had improved with respect to the representation of Member States in the Secretariat; however, the efforts of the Secretary-General to bring underrepresented countries within their desirable ranges had been undermined to some extent by the high turnover rate of staff members from some of the affected countries. The Secretariat would be helped in its efforts to recruit personnel from every Member State if Governments submitted qualified candidates.

25. In response to the General Assembly's request in paragraph 10 of resolution 44/185 A, the Secretary-General had made proposals for groupings of Member States in presenting tables on the composition of the Secretariat. In the light of paragraphs 22 and 23 of the report on the composition of the Secretariat (A/45/541), the logical approach would be to list Member States alphabetically. Consideration might also be given to the twofold classification of Member States into "developing countries" and "other countries" used in the current report, together with the alphabetical listing. According to the report, the representation of five of the six regional groups of Member States in senior-level posts showed a decline in 1990 as compared to 1986, while the representation of the remaining group had increased during that period (A/45/541, annex I, table D). That increase was not in keeping with the spirit or the letter of the relevant

(Mr. Ali Khan, Pakistan)

General Assembly resolutions. Furthermore, it was hoped that when desirable ranges were reviewed during the current session, as decided by the General Assembly in resolution 42/220, due consideration would be given to the need to raise the percentage weight of the population factor.

26. The policy questions dealt with in General Assembly resolutions 43/224 and 44/185 had acquired greater urgency in the post retrenchment period. Measures had been adopted in respect of career development, occupational training and language training, but some of the proposed measures should be examined in greater depth to ensure that there were no negative side-effects.

27. The introduction of new procedures for the administration of justice in the Secretariat had yielded positive results. Although the number of requests for review of administrative decisions had increased, appeals were settled far more rapidly and the number of cases pending had fallen considerably. Streamlining of the procedures of the Joint Appeals Board at Geneva in the same way as at Headquarters should facilitate the work of the Board. The establishment of panels to investigate charges of discrimination also appeared to have produced satisfactory results.

28. It seemed to emerge from the report of the Secretary-General on secondment from government service (A/C.5/45/12) that the advantages of secondment for the Organization outweighed the disadvantages. In paragraph 5 of the report, one of the disadvantages cited was "a tendency to earmark particular posts for the staff of certain nationalities". In fact, that tendency applied also to persons who were not nationals of Member States represented in the Secretariat exclusively through the secondment system. It would be of interest to hear the views of the Secretariat on whether reduction or elimination of the practice of secondment would lead to the reduction or elimination of that tendency. There was a need for more information about the "circumstances" in which, as was stated in the aforementioned paragraph, secondment "might undermine the impression of a truly independent international civil service". In his view, the independence of the international civil service, and not the impression of independence, was undermined by the practice of supplementary payments. Although the Assistant Secretary-General for Human Resources Management had said that new procedures would be established so that there was in future no doubt as to the secondment status of a staff member, information should be provided about the current status of seconded officials, whether that status was in any doubt and how valid their appointments were. The Assistant Secretary-General had said, on the one hand, that Judgement No. 482 of the United Nations Administrative Tribunal, while maintaining the institution of secondment, required a review by the Organization of its secondment practices and, on the other, that under certain circumstances secondment might undermine the achievement of the Secretary-General's resolve to enhance the independence and efficiency of the Secretariat. Those two statements were somewhat difficult to reconcile. Moreover, it was hard to understand why the contractual arrangements to date did not constitute genuine secondment because they were not based on procedures for common system inter-agency secondment (A/C.5/45/12, para. 8). Secondment from government service was an entirely different matter and was a

(Mr. Ali Khan, Pakistan)

practice at least as old as the Organization itself. It would therefore be of interest to learn whether previous cases involving secondment had been brought before the Administrative Tribunal, and what the judgement had been.

29. With regard to the privileges and immunities of officials of the United Nations (A/C.5/45/10), although there had been improvements in some cases, it was regrettable that the number of cases of arrest and detention remained high. The arrest and detention of children of officials in the occupied West Bank and the Gaza Strip were especially disturbing. It was also a cause for concern that in many cases immediate access to the officials was not permitted nor any explanation given for their arrest or detention, and that officials arrested or detained were not receiving adequate medical care. One way of solving the problem might be to send independent medical teams.

30. Ms. Mustonen (Finland), Vice-Chairman, took the Chair.

31. Mr. KERSTEIN (Yugoslavia) reiterated his support for the measures taken by the Secretary-General to improve the efficiency of the Secretariat, particularly those adopted to implement recommendation 15 of the Group of 18 concerning post reduction. The progress made so far in its implementation was commendable and gave reason to believe that the Secretary-General had taken the right course of action, even though much remained to be done, especially with regard to the reduction of higher-echelon posts.

32. With regard to compliance with the principle of equitable geographical distribution, the decrease in the number of underrepresented or unrepresented Member States was gratifying, but it was disturbing to note the decline in the share of posts occupied by nationals of developing countries, especially at the senior levels. The latter trend was contrary to the provisions of paragraph 3 of General Assembly resolution 44/185 A and should be reversed without delay. In the context of the analysis of the composition of the Secretariat, the purpose of geographical groupings of Member States lay in the possibility of comparing statistical data over the years, but the representation of each particular Member State should be considered individually, bearing in mind that desirable ranges and other relevant data were more easily grasped if each case were examined separately.

33. It was gratifying to note that a national of an unrepresented Member State had been appointed, but it was difficult to believe that there had been no candidates other than those from overrepresented States for the five posts to which nationals of those countries had been appointed. There was no reason why posts in the regional commissions should continue to be used as an excuse by the Secretariat to appoint nationals from overrepresented Member States.

34. Recruitment through national competitive examinations, including examinations for posts at P-3 level, deserved support. However, recruitment at the lower levels was not the only way of solving the problem of inadequate representation of some Member States, nor could it be the exclusive recruitment policy. There was still a certain degree of urgency for direct appointment to posts at the senior levels.

(Mr. Kerstein, Yugoslavia)

35. Yugoslavia took note with interest of the report of the Secretary-General on secondment from government service (A/C.5/45/12) and of the views expressed by some Member States in that regard. On the subject of the improvement of the status of women in the Secretariat, although the 30 per cent target had yet to be met, it was within closer reach than the year before. However, the fact that no women had been appointed to a level higher than P-4 diminished the seemingly satisfactory performance with regard to recruitment. It was hoped that the Office of Human Resources Management would take further measures to step up the recruitment of women and attain the 30 per cent target as soon as possible.

36. As for the development of a comprehensive career development plan, a viable career development system could not be achieved in the absence of training and retraining programmes. It was also necessary to reduce the rigidity that slowed the career advancement and promotion of staff members. However, the main criteria for promotion should be quality and competence, not just years of service.

37. The continuing increase in the number of cases of arrest, detention and abduction of staff members of the United Nations and its specialized agencies was a matter of deep concern to his country, as it should be to all Member States which advocated respect for the privileges and immunities of United Nations officials.

38. Given the complexity of personnel questions, serious consideration should be given to the proposal to biennialize some of those questions in order to give the Secretary-General enough time to respond to the requests of the General Assembly. Biennialization would not hamper the implementation of the Secretariat's recruitment and placement policy.

39. Mr. Maycock (Barbados) resumed the Chair.

40. Mr. PANDAY (Nepal) welcomed the improvement in co-ordination and efficiency that had been achieved by streamlining the Office of Human Resources Management. The participation of underrepresented and unrepresented Member States in national competitive examinations seemed to have helped to correct some of the imbalances in geographical representation; the Secretariat should increase the scope of those examinations. It should also provide further information on the postponement of recruitment at the P-3 level on the basis of national competitive examinations and should explain why candidates for P-4 and P-5 level posts had not been required to take the drafting test. Appointments at the junior Professional levels had increased considerably, and it was to be hoped that the Secretariat would continue that practice. Once the period of retrenchment was over, consideration should be given to the possibility of granting permanent appointments to staff members who had completed three years of service under fixed-term contracts. Three years of entirely satisfactory service was reason enough to dispense with the requirement of probationary appointment as a prerequisite.

(Mr. Panday, Nepal)

41. Despite the measures adopted to improve the status of women in the Secretariat, there had still been no tangible progress in the appointment of women at the higher levels. Although it was a task that would take time, the Secretariat should place special emphasis on appointing women at the higher levels in order to achieve the proper balance. Furthermore, it was to be hoped that the goal of 30 per cent representation of women in the Professional category would be achieved by the end of 1990.

42. It was disheartening to note that the representation of developing countries at the senior levels of the Secretariat had decreased in real terms. The Secretariat should provide further information regarding its efforts to implement the recommendation in that area.

43. His delegation took note of the recruitment of staff on the basis of occupational groups and hoped that the mobility incentive scheme would encourage the movement of staff to all duty stations. In addition, it was looking forward to the implementation of promotion procedures that would guarantee impartiality and objectivity and would ensure a balance between turnover in the membership of the promotion bodies and continuity in the application of criteria and practices.

44. With respect to recommendations 53 and 61 of the Group of 18, his delegation agreed with the conclusion of the International Civil Service Commission that the education grant for post-secondary studies and the annual leave system should be maintained, and that the revised staffing tables approved by the General Assembly at its forty-third session should serve as a basis for the recruitment and placement of staff during the biennium 1990-1991. It also agreed with the proposal to establish a working group of the Joint Advisory Committee in New York to study problems relating to the administration of justice, which it thought would help in monitoring the implementation of the revised rules and procedures, and it supported efforts to discourage the practice of transferring extrabudgetary posts to the regular budget.

45. The increase in the number of cases of arrest, detention and abduction of United Nations staff members was a matter of deep concern. All Member States should support the Secretary-General in his efforts to ensure respect for the principles governing the privileges and immunities of United Nations personnel.

46. Mr. LAOUARI (Algeria) said that, in accordance with various General Assembly resolutions, the structure of the Secretariat should be based on the principle of equitable geographical distribution with due representation being given to the developing countries. Only thus could the United Nations acquire a truly democratic and universal dimension. The report of the Secretary-General on the composition of the Secretariat (A/45/541), however, indicated a decrease in the percentage of staff members from developing countries at the higher levels.

(Mr. Laouari, Algeria)

47. The question of career development was also a matter for concern. Despite the recommendation by the General Assembly, there was still no career development plan, and that created uncertainty among the staff. The vacancy management system, which had originally been designed as a temporary measure to alleviate the negative effects of retrenchment, was still in operation, even though it was complicated and rigid and limited promotion possibilities. The absence of an appeal and recourse mechanism and the late announcement of vacancies damaged its credibility, and the lack of transparency that characterized the composition and operation of the appointment and promotion bodies added to the system's incoherence. Moreover, the Secretary-General had yet to respond to the request of the General Assembly, contained in resolution 44/185, that he should submit a report on the review of the regulations and criteria used for promotions, efforts to ensure transparency in the work of the appointment and promotion bodies, and the inclusion of effective and expeditious appeal and recourse mechanisms in the vacancy management programme. The Assistant Secretary-General for Human Resources Management had said in his introductory statement that the current appointment and promotion system would be reviewed. However, that should not exclude the possibility of returning to the practice of annual promotion reviews as established under staff rule 104.14. In any event, it was heartening to note the Assistant Secretary-General's intention to establish a transparent and objective promotion management system shortly.

48. The status of women in the Secretariat had improved, and considerable progress had been made towards the goal of 30 per cent representation established by the General Assembly. However, over 66 per cent of women staff members were recruited at the P-1 and P-2 levels, and that was why it was necessary to continue efforts to increase the percentage of women at the higher levels. The number of women from developing countries also remained low, and the number in higher level posts had actually declined. Emphasis should be placed on systematic personnel training within the context of an ongoing evaluation of requirements so that staff members could acquire the skills they needed to perform increasingly complex and demanding tasks.

49. It was impossible to conceive of a fully independent and efficient international civil service if the privileges and immunities inherent in its status were not respected. The Secretary-General and Member States must spare no effort to guarantee United Nations staff members the necessary security and protection, and staff members must fulfil their obligations bearing in mind the functions assigned to them and the laws of the host countries.

50. A general improvement in personnel management policy would require the full implementation of the recommendations of the Group of 18 in that regard, particularly recommendations 41, 54 and 55. A better staff-management relationship, based on dialogue and a spirit of co-operation, would help to consolidate a future-oriented management policy with transparent and equitable standards of selection and promotion, that would guarantee that staff members were treated equally.

51. Mr. MONTHE (Cameroon) said that the principles of the Charter cited in document A/45/541, paragraph 5, must continue to form the basis for personnel recruitment. In order to consolidate those principles, there must be objective, rational and clear recruitment, promotion and career development procedures. Thus, support should be given to the methodology of competitive examinations for posts at the P-1 and P-2 levels, which could be extended to those at the P-3 level. However, the Secretary-General must ensure that there was a proper balance between that methodology and other methods of recruitment. On the other hand, the vacancy management system applied provisionally during the recent crisis should be reviewed and the status of staff members who were not yet included in that system should be addressed.

52. The geographical composition of the Secretariat must not be understood solely in terms of general statistics, but rather a balance must be sought in the various departments and units of the Secretariat. Unfortunately, there were still posts which were the exclusive preserve of certain Member States, contrary to the provisions of General Assembly resolutions 35/210 and 41/213 and the recommendations of the Group of 18. The Secretary-General must ensure the equitable representation of developing countries, especially in posts at the higher level, and the representation of women and young people. The progress noted in that area was encouraging, as was the reduction in the vacancy rate, although there were still many problems to be solved, especially in the Economic Commission for Africa.

53. Referring to conditions of service, he said that it was important that the Secretary-General should, at the earliest possible date, complete the preparation of the comprehensive career development plan requested by the General Assembly in its resolution 44/185 and should give careful consideration to other questions, such as General Service salaries and the establishment of a unified personnel structure. The United Nations Information Centres must also have the conditions of service and the resources to operate efficiently.

54. In recent years, progress had been achieved in the administration of justice, as was shown by the many cases resolved through conciliation and arbitration. The Secretary-General should pursue his efforts to consolidate and expand that progress. United Nations staff members must also enjoy all the privileges and immunities to which they were entitled, and, in turn, must act discreetly and with intellectual and moral integrity towards Member States.

55. On the question of desirable ranges, it would be important to have the information or data referred to in paragraph 27 of the report of the Secretary-General on the composition of the Secretariat (A/45/541). His delegation wondered why the Secretary-General had not deemed it necessary to submit a report on that important question. Most Member States hoped that sufficient weight would be given to the membership factor over and above the contribution factor, in order to provide a better reflection of the principle of the sovereign equality of States. Otherwise, the only result would be that the United Nations would be perceived even more acutely as a type of transnational corporation in which the larger shareholders earned the larger profits.

56. Mr. PRODJOWARSITO (Indonesia) said that Indonesia was still among the underrepresented countries, being represented as of 30 June 1990, by only six Professional staff members, whereas its desirable range was between 9 and 19. It was to be hoped that, in reviewing the system of desirable ranges, the Secretary-General would take into consideration the concerns of underrepresented countries. The review should be conducted not only by taking into account the concept of parity between the membership and contribution factors, but also by seeking to achieve a balanced application in the calculations of all the relevant factors, particularly the population factor.

57. His delegation welcomed the initiative of the Secretary-General in holding competitive examinations in Jakarta in 1989. At that time, four Indonesian candidates had been successful, but, thus far, only one had been appointed to a post in the Secretariat. In view of Indonesia's continued underrepresentation, it would be important for the Secretariat to expedite the recruitment of the remaining candidates, although, even if they were appointed, Indonesia would still be at the lower limit of its desirable range. His delegation was prepared to host the competitive examinations for posts at the P-3 level in 1991 referred to in the statement by the Assistant Secretary-General for Human Resources Management.

58. While it was his delegation's understanding that the various concerns of the developing countries had been taken into account in recruitment activities, the Secretariat should provide information on the number of nationals of developing countries who had been recruited and on how many of the 69 candidates successful in the national competitive examinations were from developing countries.

59. As for the improvement in the status of women in the Secretariat, the Secretariat was to be congratulated on the slight increase in the percentage of women on its staffing table. However, women still made up less than 30 per cent of the Professional staff and there had been a decrease in the number of women at the level of Assistant Secretary-General and above. The Secretary-General, in accordance with the provisions of the Charter, should therefore continue to make every effort to increase the number of women throughout the United Nations system, particularly in senior policy-formulating and decision-making posts.

60. Mr. HAMIDA (Libyan Arab Jamahiriya) said that a high proportion of the Organization's resources were allocated to personnel requirements but that expenditures in that area could not be rationalized without the introduction of genuine reforms. Recommendation 15 of the Group of 18 on post reduction must be fully implemented, together with recommendations 47, 54 and 55. The report of the Secretary-General on the implementation of Assembly resolution 41/213 (A/45/226) noted that, contrary to the provisions of recommendation 47, nationals of developing countries held only 21 of the 47 posts at the senior levels. No action had been taken to renew periodically the leadership of departments and offices or to limit the tenure of Under-Secretaries-General and Assistant Secretaries-General to 10 years, as requested in recommendation 54. Recommendation 55, that no post should be considered the exclusive preserve of a State or group of States, had also not been implemented.

(Mr. Hamida, Libyan Arab Jamahiriya)

61. The information in the report on the composition of the Secretariat (A/45/541) showed that the recruitment process had not been reformed. For example, vacancy announcements were often written so that the job requirements matched the aptitudes of persons whose recruitment was sought. There were also instances of posts being filled before the announcements were posted. There must be an increase in the number of posts subject to geographical distribution, currently only 2,561 out of a total of more than 10,000 posts. The fact that the number of unrepresented countries was unchanged from the previous year gave cause for concern. Measures to correct that situation must be adopted urgently.

62. Paragraph 30 and tables C and D of annex I to the report clearly demonstrated the lack of progress with respect to the representation of developing countries in posts at the higher levels. The various resolutions adopted by the General Assembly on personnel questions must be implemented so as, inter alia, to put an end to the recruitment of nationals of overrepresented countries and to the hegemony of a few Member States in the Secretariat through the establishment of a system for the recruitment to posts at the higher levels of nationals of States which had never been represented in such posts. His delegation had proposed many candidates for posts in those categories but the Secretariat had merely made promises and had never recruited a single one. For a time, there had been restrictions on recruitment, but that was no longer the case and more than 200 staff members had been recruited. There was therefore no reason for the Secretariat to renege on the promises it made to developing countries. Moreover, while there was no doubt that the representation of women in the Secretariat must be improved, that must not serve as a pretext for disregarding the principle of equitable geographical distribution. In conclusion, the cases of detention and arrest and the restrictions on the movement of United Nations staff members highlighted the need for all States to respect privileges and immunities of staff members.

63. Mr. SADEGHI TEHRANI (Islamic Republic of Iran) welcomed the decrease in the number of unrepresented and underrepresented countries, but noted that, according to table C in annex I of the report on the composition of the Secretariat, there had been a decline in the number of nationals of developing countries in posts at the D-1 and higher levels and an increase in the number of nationals from other countries; he requested the Secretary-General to rectify that situation. In filling posts at the Assistant Secretary-General and Under-Secretary-General levels, the principles of equitable geographical distribution and mobility should be fully observed.

64. His delegation shared the concern of the Organization's staff at the lack of a comprehensive career development plan and the continued existence of the vacancy management system. It was to be hoped that that system would be replaced by a true career system based on objective criteria of efficiency and performance. In his next report, the Secretary-General must submit data on the geographical distribution of staff who had not been promoted. The Islamic Republic of Iran was not adequately represented in the Secretariat, and the Secretary-General should increase the number of Iranian staff.

65. Mr. KHALAF (Iraq) said that discrimination against Arab staff members in the Secretariat was no longer an isolated phenomenon but had become the norm, which meant that the Administration was pursuing a specific policy. During the past two years, four cases had been submitted to the Administrative Tribunal involving staff from Arab countries; in each case the Joint Appeals Board had issued a favourable recommendation which the Administration had rejected. To date, the Tribunal had handed down a favourable decision in one case, with the other three to be decided in the near future.

66. There were nevertheless other situations which could not be brought before the Administrative Tribunal. They involved posts that had been vacated by Arab staff members which subsequently had not been filled by other Arab candidates, even though those candidates had had the necessary training and experience. He cited by way of example two D-2 posts, one each in the Department of International Economic and Social Affairs and the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship, four D-1 posts, one each in the Office of Legal Affairs, the Office for Ocean Affairs and the Law of the Sea, the Department of Public Information and the Department for Disarmament Affairs, and two D-1 posts in the Department of Political and Security Council Affairs, all of which had remained vacant after having been occupied by staff members from Arab countries and none of which had been filled by other Arab staff as replacements.

67. In implementing the recommendation of the Group of 18 on staff reductions, the Administration had reduced the number of Arab staff members occupying Professional posts in the Secretariat, placing them at more of a disadvantage than any other group. Furthermore, the Administration was implementing the principle of equitable geographical distribution in a manner that contradicted the purposes of that principle where the promotion and career development prospects of Arab staff members were concerned. Thus, if an Arab staff member applied for a post that had been vacated by another Arab staff member, the Administration rejected him on the grounds that the Arab group did not constitute a regional geographic group. Yet if an Arab staff member applied for a post that had been occupied by a non-Arab staff member, his candidacy was rejected on the grounds that his appointment would violate the principle of geographical balance.

68. The Administration had failed to give equal treatment to staff members from the third world, nor had it paid sufficient attention to the career development and promotion prospects of those staff members, particularly those from Arab countries. On the contrary, one of the principles which guided the Administration was the equitable treatment and well-being of nationals from the great Powers and European countries. If a statistical study on promotions was prepared, it would lead to the conclusion that the Administration was definitely opposed to promoting Arab staff members within the Secretariat. That phenomenon had not sprung up overnight, but had become a systematic policy which had assumed political dimensions during the past five years. He called upon the Secretariat to correct the injustices done to its Arab staff members.

69. Mr. YOHANNES (Ethiopia) said that respect for the privileges and immunities of United Nations staff members was an important condition for facilitating the collaborative efforts required for the activities which made the United Nations a useful mechanism for achieving the objectives enshrined in the Charter. That principle had been and should continue to be the rule governing official business, in keeping with the provisions of Article 105, paragraph 2, of the Charter, the Staff Rules, the 1946 Convention on the Privileges and Immunities of the United Nations and the 1947 Convention on the Privileges and Immunities of the Specialized Agencies. Respect for those privileges and immunities had done much to prevent unnecessary conflicts with the laws of countries in which staff served. In that connection, his country had gone so far as to examine whether there was any conflict between Ethiopian legislation and the country's obligations under the relevant conventions, and had determined that there were none.

70. Paragraph 13 of the Secretary-General's report on that subject (A/C.5/45/10) contained a reference to the case of Mrs. Guenet Mebrahtu, an Ethiopian national and an employee of the World Health Organization (WHO) at Addis Ababa, about whose arrest no official explanation had been given, as the Legal Counsel had also noted in introducing the report. Upon instructions from his Government, he wished to state that Mrs. Guenet Mebrahtu had been arrested for having engaged in activities inconsistent with her responsibilities as an international civil servant. Upon completion of the investigation currently in progress, the detainee would be brought to trial in accordance with Ethiopian laws. In the mean time, she was being provided with essential services and, as the report noted, she continued to be visited by representatives of the organizations involved. Only the week before, she had again been visited by her supervisor from the WHO Regional Office, the Chief of the Personnel Section of the Economic Commission for Africa (ECA), and the Chief Medical Officer of the ECA clinic. In short, every effort had been made to ensure her well-being during her detention, including access to radio, television and newspapers and medical services. His Government would continue to co-operate with the appropriate agencies in the matter, and the outcome of the legal proceedings would be communicated to the Secretary-General.

OTHER MATTERS

71. The CHAIRMAN said that, if he heard no objection and in keeping with the practice followed at previous sessions, he would take it that the Committee wished to invite a representative of the Federation of International Civil Servants' Associations (FICSA) to introduce document A/C.5/45/23 when the Committee began its consideration of agenda item 127.

72. It was so decided.

73. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee also wished to invite the representative of the Co-ordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA) to make a statement on a document submitted in accordance with paragraph 2 of General Assembly resolution 35/213.

74. It was so decided.

The meeting rose at 5.55 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

FIFTH COMMITTEE
27th meeting
held on
Monday, 12 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 27th MEETING

Chairman: Mr. MAYCOCK (Barbados)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 127: UNITED NATIONS COMMON SYSTEM (A/45/30; A/C.5/45/23, 24 and 29)

AGENDA ITEM 128: UNITED NATIONS PENSION SYSTEM (A/45/9 and A/45/699; A/C.5/45/7 and A/C.5/45/22)

1. Mr. AKWEI (Chairman of the International Civil Service Commission), introducing the report of the International Civil Service Commission (ICSC) for the year 1990 (A/45/30) under agenda item 127, said that the Commission had taken into account in its report the useful suggestions made by members of the Committee; it had included a glossary of technical terms and a summary of decisions and recommendations and their financial implications.

2. The Commission had modified its working methods in order to increase the participation of Administration and staff representatives: as a general rule, they could attend all Commission meetings at which issues of the conditions of service in the United Nations common system were discussed; on major issues, a tripartite working group could be established. As requested by the General Assembly, the Commission was co-operating with the Administrative Committee on Co-ordination (ACC) in a review of the Commission's functioning, on which a report would be submitted in 1991.

3. In accordance with General Assembly resolution 41/208 the Commission had reviewed, in conjunction with the United Nations Joint Staff Pension Board, the methodology for determining the scale of pensionable remuneration and monitoring the level of the scale and its adjustment between comprehensive reviews for the Professional and higher categories of staff. The Commission recommended that the methodology used to establish the 1 April 1987 scale and the interim adjustment procedure, as amended by the General Assembly in 1989, should continue to be used. It also recommended a revised scale of staff assessment to be used in future in conjunction with the pensionable remuneration methodology for those categories. The General Assembly had also requested the Commission to consider the establishment of a margin range between the pensionable remuneration of staff in the common system and staff in the comparator civil service. The Commission had concluded that the margin range of 110-120 applicable to net remuneration should also apply to pensionable remuneration; it also recommended a procedure for calculating and reporting the pensionable remuneration margin to the General Assembly. In the opinion of the Legal Counsel, neither resolution 41/208 nor the Commission's Statute gave ICSC competence to review the pensionable remuneration of ungraded officials. The Commission had therefore decided not to address the issue.

4. The Commission had begun its consideration of the question of pensionable remuneration for the General Service and other locally recruited categories. A joint preparatory working group made up of members of the Commission, the Pension Board, the Federation of International Civil Servants' Associations (FICSA) and the Co-ordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA) was to be established, and recommendations to the General Assembly were expected to be on hand in 1991.

(Mr. Akwei)

5. The Commission had considered the results of the studies made by a new working group on the remuneration structure for the salary system of the Professional and higher categories of staff. Since several problems associated with the separation of the housing component from post adjustment had remained unsolved, it had concluded that housing should not, for the time being, be treated as a separate element of the remuneration package. Pending further studies, it recommended that housing comparisons should continue to be made with the base, New York, using the post adjustment system. It also recommended revised procedures for housing-cost comparisons and important changes in the rental subsidy scheme for headquarters and other European duty stations. For field duty stations with small staffs, it recommended that housing costs should be reimbursed up to a reasonable maximum, with post adjustments based on the comparison of all elements of expenditure except housing. The new procedures would be reviewed after three years.

6. In response to the General Assembly's request, the report contained detailed information on the practices of organizations regarding the granting of expatriate entitlements to staff living in their home countries while stationed at duty stations located in another country and on the package of common-system allowances. A further report on expatriate entitlements would be submitted in 1991.

7. With regard to the conditions of service of the Assistant Secretary-General and Under-Secretary-General and equivalent levels, the Commission was of the view that a case could be made for the officials at those levels who needed to maintain superior housing close to their work location, and it had submitted proposals which would benefit senior officials who incurred significantly higher housing expenditures than the average. However, it felt that their representation allowance was not susceptible to a common-system treatment.

8. Again in response to a request by the General Assembly, the Commission had reviewed its 1989 decision on the procedure for the review of post adjustment indices at headquarters and other European and North American duty stations. It had concluded that the decision represented the most equitable solution for all staff. Moreover, as long as the revised system operated over a period of time, no financial implications would result. The Commission had also studied the question of duty stations at which, as a result of implementation of the findings of a place-to-place survey, there was a significant difference between the post adjustment index and the multiplier. It had decided that when the difference was five per cent or less, the normal post adjustment system should apply; when the difference was greater than five per cent, specific steps would be taken to reduce the post adjustment classifications with a view to narrowing the gap.

9. On the issue of longevity steps the Commission had noted that the practices of the International Labour Organisation (ILO) and the World Health Organization (WHO) differed considerably from those of the other organizations and could not be reconciled with its recommendations. It therefore recommended that the executive heads of ILO and WHO should recommend to their legislative bodies that the current system should be replaced by a scheme entailing the payment of a one-time non-pensionable cash award for merit.

(Mr. Akwei)

10. ICSC had noted that the margin between the net remuneration of United Nations officials in New York and United States federal civil service employees in Washington, D.C., was close to the desirable mid-point of 115 in 1990 but might move close to the upper limit of 120 in 1991. Given that situation, the General Assembly's decision that the average net remuneration margin should be maintained over a five-year period at about the mid-point of the range was unworkable and could result in difficulties in margin management. The Commission therefore requested the General Assembly to reconsider its decision. It also drew attention to the serious consequences for the entire common system of a freeze of New York post adjustment in 1991, a possibility which could not be discounted if the margin did move close to the upper limit. The Commission also commented briefly on developments in the salary system of the comparator civil service and would report in greater detail in 1991.

11. In 1989 the Commission had recommended the establishment of a base salary level for staff in the Professional and higher categories by reference to the corresponding levels for the comparator civil service. The proposed scale was to be used to calculate payments under the new hardship and mobility scheme and separation payments other than the commutation of unused annual leave; it would therefore have to be regularly adjusted, and the Commission had decided to recommend that the base salary scale should be revised upward by 8.5 per cent with effect from 1 March 1991.

12. As requested by the General Assembly, the Commission had embarked on a programme of place-to-place surveys on the basis of the revised methodology. It had approved the results of the surveys at headquarters locations and in Washington, D.C. Duty stations which accounted for more than 90 per cent of the staff would be surveyed by the end of 1991, and the others in 1992. A detailed report on the matter would be provided in the form of a supplement to the current annual report. The Commission continued to monitor data from various sources concerning supplementary payments and deductions. New information which became available would be reported as necessary.

13. ICSC had conducted surveys of the best prevailing conditions of service for the General Service and related categories in London, New York and Rome; the salary scales recommended to the executive heads of organizations with headquarters at those locations were included in the report. In New York three separate scales, for the General Service, Trades and Crafts, and Security Service categories, had been recommended to the Secretary-General, the Administrator of the United Nations Development Programme (UNDP) and the Executive Director of the United Nations Children's Fund (UNICEF). The scales represented overall increases for the Trades and Crafts and Security Service categories, but for the General Service the scale was some 4.6 per cent lower than the one in effect in March 1990. The survey had also indicated a need for increases in dependency allowances for all locally recruited staff in New York. The Commission's recommendations on dependency allowances for all categories of staff and on the salary scales for the Trades and Crafts and Security Service categories had been implemented. However, the Secretary-General and his colleagues had decided, for reasons which had given the

(Mr. Akwei)

Commission great concern, not to implement the proposed scale for the General Service category. The Commission was confident that the Committee would give careful consideration to its report on the issue.

14. ICSC had also examined the implications for the General Service and related categories of staff of the decisions arising out of the comprehensive review of conditions of service for the Professional and higher categories. It recommended necessary modifications relating to the applicability of the children's allowance in respect of disabled children, the mobility and hardship allowance, and the assignment grant.

15. The salary scales recommended by the Commission in 1987 for the General Service and related categories of staff in Vienna had incorporated an adjustment of 2.4 per cent to account for the commissary benefit available in Vienna. There had been a challenge to that adjustment, and the Tribunal of the International Labour Organisation had found for the complainants: it had set aside the salary scales and ordered that the cases should be sent back for recalculation of pay. The Commission had decided to study the matter further in 1991 in the light of legal advice.

16. ICSC recognized the importance of the education grant and the need to ensure that reimbursement levels kept pace with increases in education costs. It had concluded that, while an across-the-board increase would not be equitable, an increase was justified in locations where education expenditures had increased significantly as a result of inflation. It intended to make a full study of the procedure for setting education grant levels in 1991.

17. In the past the salary scales of the Field Service category had been determined by comparison with those of the United States foreign service. The Commission had now decided that it would be more appropriate to make the comparison with the United States federal civil service. It had therefore recommended a revised salary scale to the organizations. It had also approved the application to the Field Service category of the mobility and hardship matrix devised in 1989 for the Professional and higher categories.

18. The Commission had continued its work on the special measures for improvement of the status of women in the secretariats and had submitted recommendations to the organizations which should result in improvement in the Professional and higher categories. It had also appointed a tripartite working group to study the question of the status of women in the General Service category.

19. Mr. ZADOR (Chairman of the United Nations Joint Staff Pension Board), introducing the report of the Pension Board (A/45/9) under agenda item 128, said that the report covered not one but three sessions. Additional time had been required to arrange for and participate in the comprehensive review, in co-operation with ICSC, of the pensionable remuneration of staff in the Professional and higher categories, as requested in General Assembly resolution 41/208. Also, the Board had wished to achieve a consensus on a number of highly

(Mr. Zador)

complex and contentious issues, including the redress of the actuarial imbalance of the Fund, the levels of pensionable remuneration and the consequent pensions of staff in the various categories, and the pension adjustment system. He was pleased to report that the Board had been able to achieve unanimity in its recommendations for action by the General Assembly.

20. In reviewing the pensionable remuneration of staff in the Professional and higher categories, both the Board and ICSC had agreed on the methodology for determining the scale of pensionable remuneration, as well as on the scale itself and the procedure for adjusting it between comprehensive reviews. With respect to the United Nations civil service and the comparator United States federal civil service, the two bodies had agreed that both the relationship between the pensionable remuneration of the two services and the income replacement ratios in those services should be calculated as recommended by ICSC and should be reported annually to the General Assembly. However, the Board had been unable to reach a consensus on the desirability of a margin range for pensionable remuneration and had therefore limited itself to noting the recommendation of ICSC to establish a range of 110 to 120. The Board had been divided as to whether it was permissible or advisable for it to complete the definitions in the Regulations of the Fund so as to include the pensionable remuneration of officials in ungraded posts. The Fund's member organizations had undertaken to present the information in annex IV, which showed the divergent practices that had emerged with respect to the remuneration of such officials, to their executive heads and governing bodies, so that they could submit their views thereon to the Board at its regular session. Those views would be reflected in the Board's recommendations to the General Assembly. The Board had also discussed the absence in the Regulations of any mention of longevity and/or merit steps that went beyond the maximum step of the scale of pensionable remuneration.

21. With regard to the upcoming 1991 review of the pensionable remuneration and consequent pensions of staff in the General Service and other locally recruited categories, the Board and ICSC had agreed on arrangements similar to those successfully followed for the review of the pensionable remuneration of staff in the Professional and higher categories.

22. The pension adjustment system had been reviewed with special attention to the impact of changes in the value of the dollar vis-à-vis other currencies. After extensive discussion of that highly contentious issue, it had been agreed to recommend to the General Assembly the establishment of personal "floor" amounts for the initial local currency pensions of participants in the Professional and higher categories, corresponding to the initial local currency pensions they would have received had they separated on 31 December 1990. It was to be understood that such amounts would be applicable only to those participants qualified for a retirement or early retirement benefit on 31 December 1990 who separated on or before 31 March 1992. The basic purpose of that transitional measure would be to prevent participants who stayed in service beyond 31 December 1990 from receiving lower local currency pensions. The Board had established a Preparatory Group to develop

a long-term method for determining the initial local currency pension. It would be very useful for the Board to receive guidance from the General Assembly on the direction that long-term modification should take, since any changes in the system should have the support of the Member States, especially if they entailed additional costs to those States. It was important for the actions of the Board to reflect the concerns of all of the organizations, participants and beneficiaries in order to avoid the emergence of complementary pension schemes in certain organizations, which might ultimately destroy the integrity of the Fund.

23. Finally, in reference to Judgement No. 900, in re Cuvillier (No. 3) vs. the International Labour Organisation (ILO), the Board had recommended that the request of ILO should be granted, provided that the conditions listed in paragraph 190 of the report had been met by that organization.

24. Mr. FORAN (Assistant Secretary-General, Representative of the Secretary-General for the Investments of the United Nations Joint Staff Pension Fund), introducing the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund (A/C.5/45/7) under item 128, said that the 1990 report followed a format similar to that of recent reports in order to facilitate comparison. In briefly reviewing the contents of the document, he noted that, in the light of financial market volatility, weak bond markets outside the United States and high interest rates in many countries during the period under review, the return on investment could be considered good. Drawing attention to table 1, which showed nominal and real rates of return for the previous 5, 10, 15, 20, 25 and 30 years, he said that the real rate of return over the 30-year period had been 3.25 per cent, which slightly exceeded the actuarial assumption for the Fund's investments (3 per cent). Figure 1, on investment diversification, showed that the Fund's exposure to equities had been slightly reduced and that the bond portion of the portfolio had been increased. In response to requests of the General Assembly, the Fund had continued to increase investments in developing countries.

25. As the report had been prepared in the midst of a period of financial market declines triggered by the situation between Iraq and Kuwait, he wished to discuss their effect on the Fund's investments and to update some of the information in the document. As at 7 November 1990, the market value of the Fund was $9.010 billion, or 5.3 per cent higher than on 31 March 1990. That increase was primarily, if not exclusively, the result of a fall in the value of the dollar. In view of the extreme volatility of the markets, the Fund might very well show a negative return before the reporting year was over. As at 7 November 1990, the market value of equities was $3.3 billion (36 per cent of the market value of the Fund); that of bonds, $3.6 billion (40 per cent); that of real estate, $985 million (11 per cent) and that of short-term investments and reserves, $1.2 billion (13 per cent).

26. The Fund's investment strategy was geared to the long term and emphasized safety. Any assessment of its performance should be based on an analysis of investment returns over a substantial period. In the opinion of the Fund, its

(Mr. Foran)

defensive strategy, adopted in late 1985, and its policy of diversification had contributed to its comparatively good position during the current financial market crisis. Unless the investment climate changed, it would continue to emphasize fixed-income investments.

27. In the five years from 31 March 1985 to 31 March 1990, a period which had seen more than its share of financial upheavals, the principal of the Fund had more than doubled, going from $3.925 billion to $8.558 billion. The Fund's comparatively favourable position despite the past few months of disarray in the world financial markets was probably due in large part to the personal interest which the members of the Investments Committee had taken in ensuring the protection of its assets.

28. Mr. DENTI (President of the Federation of International Civil Servants' Associations), introducing the Comments by the Federation of International Civil Servants' Association (FICSA) (A/C.5/45/23), said that conditions of service in the United Nations had deteriorated to such an extent that it was facing increasing difficulties in recruiting and retaining qualified staff. ACC had repeatedly drawn the attention of the Fifth Committee to the urgent need for a substantial improvement in those conditions. The purchasing power of staff in the Professional and higher categories continued to decline in duty stations such as Vienna, London, Rome, Paris and Geneva. Yet, despite the urgency of the situation, the comprehensive review of their conditions of service, requested in General Assembly resolution 42/221, had been a fiasco, since it had resolved none of the major issues, such as remuneration levels, competitiveness, simplification of the post adjustment system and the choice of comparator. Although the recommendations of ICSC in the context of the comprehensive review of the remuneration structure, the pensionable remuneration margin and the rental subsidy scheme seemed to reflect an increased awareness, it was nevertheless true that the real problems had not been dealt with.

29. FICSA welcomed the decision of ICSC to abandon its proposal to separate housing from the rest of remuneration and to recommend maintaining the present structure. That measure might have further complicated the management of an already complicated system. As FICSA had been repeating for many years, the crux of the problem was the comparator service. In the light of the deteriorating situation of the United States federal civil service, it would be more appropriate to align the United Nations common system with the World Bank and the International Monetary Fund.

30. With regard to the pensionable remuneration margin, ICSC itself recognized the disastrous consequences for the system of another prolonged freeze in remuneration. Even a short freeze would greatly undermine staff morale. It should be noted that the United States Congress had just decided on a series of measures to stop the deterioration of salaries in the public sector and to close the gap of 32 per cent between the public and private sectors in the United States. For those reasons, FICSA believed that the Fifth Committee should recommend the removal of any upper limit on the margin to the General Assembly. It might also request the ICSC to carry out a further review of the conditions of service of the Professional

and higher categories so as to give proper consideration to the impact of the United States private sector in establishing the salary scale of the staff concerned.

31. The Federation accorded its unqualified support to the revised rental subsidy scheme proposed by the Commission, which represented real progress beyond the current arrangements.

32. In connection with the comprehensive review of the pensionable remuneration of staff in the Professional and higher categories, ICSC and the Pension Board had failed to define a viable and technically sound system based on equity and common sense. Instead, they had recommended the prolongation of a defective system which provided no long-term answer to the problem of protecting the local-currency pensions of staff members retiring in strong-currency countries. In particular, they had recommended that a period of 25 years of service be used as the basis of the methodology for establishing pensionable remuneration despite the fact that all countries, including the comparator service, based their calculations on the entire period of service. The proposals' total dismissal of the effect on pensionable remuneration of the progressivity of taxes would lead to a systematic underestimation of pensions. The proposals were also incompatible with the guidelines of the Fifth Committee because they exacerbated differences in local-currency pensions between staff members with the same length of service who retired on different dates. It was the view of FICSA that the proposals should be rejected in toto and ICSC and the Pension Board requested to review the matter further. The Fifth Committee should recommend that the General Assembly extend the application of floor exchange rates for the calculation of local-currency pensions of staff members retiring after 31 December 1990, until such time as the Pension Board submitted concrete proposals for long-term protection measures. That extension would both help to restore the confidence of staff in international institutions and ensure that the system was not confronted at the end of the year with a massive exodus of staff members. The actuarial cost of the extension would, according to expert opinion, be minimal.

33. The Federation earnestly hoped that those responsible for the review of the functioning of ICSC would, bearing in mind current trends in labour relations and the spirit of the relevant conventions of the International Labour Organisation, recommend the introduction of negotiations in the common system. FICSA hoped to submit a comprehensive document on that subject to ACC at its next session. Its resumption of contacts with ICSC did not mean it was any less determined to obtain recognition and implementation of the right to negotiate without further delay.

34. In the opinion of FICSA, each organization of the common system should be able independently to introduce additional steps based on merit or longevity, which should be pensionable, and to take such other measures as they considered necessary to maintain their effectiveness, provided that such measures did not constitute a fundamental departure from the common system.

(Mr. Denti)

35. The Federation supported the proposal of the Commission contained in paragraph 207 of its report and hoped that the base/floor salary scale would in future be aligned with the comparator scale immediately rather than after 14 months, in accordance with current practice. It also supported the proposals contained in paragraph 251 (a), (d) and (e), while holding that a definitive choice of approach to the question of the education grant should not be made without careful study. It further supported the proposals contained in paragraph 235 (a), (b) and (c) but regretted the failure to extend to the General Service category the arrangement to grant, in cases of promotion within the Professional and higher categories, an increase in salary equivalent to at least two steps and hoped that the Fifth Committee would rectify that inequity during the current session.

36. The Federation considered it imperative that women should be enabled without delay to occupy their rightful place in the common system at all levels. Greater efforts should therefore be made not only to recruit women candidates for vacant posts but also to increase the possibilities of training female staff members to occupy posts at decision-making levels. The Commission's recent decision to form a tripartite working group on the status of women in both the General Service and Professional categories appeared to be a step in the right direction.

37. The practice of making supplementary payments or deductions was entirely inadmissible, and FICSA appealed to the growing number of countries concerned to halt such abuses. It also requested the Fifth Committee to be vigilant in ensuring that all Member States abided by the principles of the Charter. With respect to the security of staff members, FICSA had decided to join other groups on the occasion of the forty-second anniversary of the Universal Declaration of Human Rights in publicizing the disturbing situation of many international civil servants and members of their families who had been detained against their will.

38. Mr. SUNDARASAN (President of the Co-ordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA)) said that, despite the devotion and sacrifices of the staff in accepting the new challenges faced by the Organization, the international civil service was increasingly unable to attract and retain highly qualified staff due to deteriorating conditions of employment, an absence of clearly defined career prospects, uncertain pension benefits and the erosion of purchasing power.

39. The series of measures related to Professional remuneration adopted in 1989, while far from negligible, had fallen short of expectations. The across-the-board salary increase approved under General Assembly resolution 44/198 had not restored the purchasing power lost by Professional staff members. At the root of the problem was the situation in the comparator, the United States federal civil service, in which salaries were lagging behind those in the private sector by as much as 30 per cent. If current margin constraints were maintained, post adjustment would probably be frozen again in 1991 for a period of several years. CCISUA therefore urged the Assembly to adopt a more flexible attitude to the problem.

(Mr. Sundarasan)

40. With regard to the complex subject of housing, CCISUA fully supported the Commission's proposals to continue comparisons of housing on the basis of gross rents and to enhance the current rental subsidy scheme. It also believed that the housing component must be excluded from margin control. Until such time as ICSC established a methodology for identifying the comparator civil service, CCISUA strongly supported the adjustment of the base/floor salary scale to reflect the movement of remuneration in the United States federal civil service. It also supported the Commission's recommendation for selective increases in the level of the education grant and stressed the need for the automatic adjustment of that benefit. All conditions of employment should, indeed, be reviewed on a continuous basis and adapted to the changing needs of organizations in the common system in a timely manner.

41. CCISUA had repeatedly emphasized that income replacement should remain the basis of the methodology for determining pensionable remuneration. For that purpose, total net remuneration at the base, New York, including the New York-Washington cost-of-living differential, should continue to be used. Any alterations or additions which complicated the system, including the establishment of a margin for pensionable remuneration, should be avoided. The Pension Board should be encouraged to find a long-term solution to the problem of disparities in the purchasing power of retirees at different duty stations; until such time as a solution was identified, CCISUA favoured maintaining the current interim measures, including floor protection measures.

42. CCISUA had always believed that ICSC should be an independent technical body and was gratified by recent decisions which made staff participation in the Commission's work more effective. It intended to participate actively in the review of the functioning of ICSC mandated under General Assembly resolution 44/198. Staff representatives should also be invited to attend informal consultations of the Fifth Committee whenever technical proposals made by the Commission were being explained. The occurrence of insidious discrepancies between the entitlements of staff employed by different organizations at the same duty station showed that the mechanism established to ensure uniform conditions of service throughout the common system was not operating as envisaged. In that connection, the proposal by a working group of medical directors of the common system that business-class tickets be authorized for official travel exceeding five hours deserved serious attention on the part of Member States.

43. Problems affecting the status of women in organizations of the common system included marked disparities in grade distribution, slow rates of advancement, a narrow range of occupations and limited career development prospects. Although the measures necessary to correct the situation had been outlined by the General Assembly and ICSC, few of the corresponding targets had been achieved. Responsibility for implementation of those measures rested primarily with the organizations themselves, requiring high-level commitment and inter-agency co-operation, but also involved efforts by individual departments and Member States. In that context, CCISUA welcomed the establishment by ICSC of a tripartite working group on the status of women in both the General Service and Professional categories.

(Mr. Sundarasan)

44. Local salary surveys at different duty stations had been characterized by an absence of constructive dialogue, faulty interpretation of methodology and lack of objectivity on the part of ICSC and its secretariat. In the particular case of New York, an extremely low rate of participation meant that the survey covered only about 25 per cent of the total population of General Service staff. A serious dispute between the staff and the ICSC secretariat over educational qualifications for higher-level General Service jobs was not brought to the attention of the Commission by its Chairman, in contravention of the related methodology requirements. Neither had any written guidelines been available for job matching. The Commission had further refused the staff's request that final consideration of the New York survey be postponed until its thirty-second session. Although the role of the Commission was to make recommendations concerning the establishment of General Service salary scales, and that of the Secretary-General to make decisions, the Commission implied in paragraph 301 of its report that the Secretary-General must accept the Commission's recommendations without question. Contrary to the Commission's claim that the Secretary-General should have referred the matter back to it for further consideration, it was in fact ICSC which had repeatedly refused to take the matter up again, to establish the facts of the case or to undertake an accelerated survey of New York General Service staff. By resting its case on supposedly infallible technical conclusions, the Committee had assumed the role of a regulatory agency rather than an advisory body. The Fifth Committee might wish to ensure that future surveys were carried out in a clear and transparent manner, in order to avoid the possibilities of any misinterpretation.

AGENDA ITEM 126: PERSONNEL QUESTIONS (continued) (A/45/541 and A/45/548; A/C.5/45/3, A/C.5/45/10 and Corr. 1, A/C.5/45/11, 12, 18 and 19)

(a) COMPOSITION OF THE SECRETARIAT (continued)

(b) RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS (continued)

(c) OTHER PERSONNEL QUESTIONS (continued)

45. Mr. DANKWA (Ghana) said that his delegation took a comprehensive view of personnel matters, in the conviction that the key to the realization of the Charter's objectives and to the efficient implementation of mandated programmes lay in the staff of the Organization, whose international character should be ensured by observance of the principle of equitable geographical distribution. Questions such as internal and external examinations, achievement of the 30 per cent target set for the recruitment of women and the need for equitable geographical distribution, especially at the senior and policy-making levels, could only be resolved through career development.

46. His delegation shared the concern of the Assistant Secretary-General for Human Resources Management about staff immobility, appreciating as it did the frustration of staff at the G-4 and P-3 levels. While it was true that the retrenchment exercise and the classification system hampered advancement, the problem of

(Mr. Dankwa, Ghana)

advancement could not be solved without due regard for the approved staffing table. To grant promotions without consideration of whether or not a post was vacant, as was being suggested by the Secretariat, would introduce instability into management and administration and nullify the gains made through the reforms. It was only through the development of a career system which confined recruitment largely to the lower levels and left the higher levels open for promotion that the Organization could avoid frustration and immobility. Recommendations 43, 44, 48, 49 and 54 of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (Group of 18) provided sound guidelines for comprehensive career development, and, if properly applied, could create vacancies to which staff could be promoted.

47. Some inconsistencies or lack of realism were apparent in the recommendations of the Group of 18. For instance, the recommendation for direct recruitment to P-4 and P-5 posts on the basis of a scheme that tested drafting ability required clearer definition to link it with the prospects of advancement of staff at the P-1 to P-3 levels. The insistence on drafting ability was unfair on nationals of certain Member States, impeding efforts to achieve equitable geographical representation. Unqualified insistence on a 10-year service period at the higher levels did not take account of staff members who had been appointed through promotion from the lowest levels and had not reached the retirement age.

48. While agreeing that some posts should not be subject to geographical distribution, he said that the principle of equitable geographical representation in the Secretariat should guide recruitment at all levels, especially recruitment to General Service and related categories. In that connection he requested clarification of the statement that the residence status of an applicant determined his or her preliminary eligibility for recruitment to a General Service post.

49. Despite the commendable efforts to attain the 30 per cent target set for the representation of women in the Secretariat, it was regrettable that the effect had been to increase inequity in representation, particularly between developed and developing countries. Special efforts, including publicity, were required to bring the recruitment exercise to the attention of women in developing countries and to involve Member States directly or indirectly in that exercise. In Ghana's experience, vacancy notices were often received after the expiry date.

50. Reported infringements of agreements concerning respect for the privileges and immunities of officials of the United Nations were a matter of concern to his country. The fact must be faced, however, that nationals of a country hosting a United Nations office who were also staff members of the Organization were in a difficult situation. A citizen of such a country committing or omitting an act for personal reasons, and not in the performance of his or her official duties, could not claim privileges and immunities. Nor could a call to national duty be shirked by invoking those privileges and immunities.

51. His delegation was pleased to note the substantial reduction in cases pending in the tribunal system. It urged the administration to take further steps to

(Mr. Dankwa, Ghana)

reduce radically the need to resort to that system. In conclusion, he stressed the need for a comprehensive approach to personnel questions in order to ensure that the Organization was served by a highly motivated staff reflecting its international character, without sacrificing efficiency, competence and integrity.

52. Mr. BELHAJ (Tunisia) said that the Organization's greatest asset was a competent and dedicated staff. One of the most urgent tasks before it was, therefore, to retain its staff members by offering them decent career prospects and safe and comfortable working conditions. In that context, staff training and retraining were a priority. His delegation supported the activities on human resources management proposed in the medium-term plan (A/45/6).

53. His delegation viewed with concern the numerous reports of flagrant violation of the privileges and immunities of officials of the United Nations. Respect not only for the official service of a representative of the United Nations, but, above all, for his human dignity and inherent rights must be constantly borne in mind. His delegation supported all the Secretary-General's efforts to intervene in cases of arrest and detention of United Nations officials in the performance of their duties, in accordance with Article 105 of the Charter. It noted that the overwhelming majority of violations were to be found in the Middle East, especially in the occupied Arab territories. The international community should act in concert with the Secretary-General to induce those who failed to respect the Organization's humanitarian activities in that part of the world to change their practices.

54. Turning to the question of equitable geographical distribution within the Secretariat, the substantial decrease in the number of posts, especially at the senior levels, filled by nationals of developing countries since the introduction of the reform was a matter of concern and called for further adjustments. The inadequate representation of the Arab countries, in terms of both numbers and levels of posts, was particularly flagrant. By way of example he cited the Office of Legal Affairs in which there was not a single staff member from an Arab country at levels P-5 and above, and only one in any category in the whole Office, despite the fact that the Office was meant to represent all existing legal systems. He urged the Secretariat to give further attention to the matter and to report periodically on the progress made. On the same subject, his delegation associated itself with those which had referred to the need to ensure that no post was the privilege or preserve of any individual, State or group of States and requested greater transparency in that regard.

55. Transparency must also be the rule when it came to vacancy management. As the representative of Ghana had pointed out, vacancy announcements reached delegations very late, often after the deadline for applications. He also agreed with the representative of Australia that the notorious practice of announcing a vacancy only after the future incumbent had been selected must cease.

56. His delegation supported the Secretary-General's efforts to increase the representation of women in the Secretariat in order to attain the 30 per cent target.

(Mr. Belhaj, Tunisia)

57. The report of the Secretary-General on the administration of justice in the Secretariat (A/C.5/45/11) was rather too brief, failing to mention, for instance, the United Nations Administrative Tribunal. More specifically, on the subject of the functioning of the Joint Appeals Board (JAB), he would welcome more information on rotation procedures within the Board. In that connection, the document entitled "Utilization Survey", containing the list of all members of JAB and the number of cases in connection with which they had been selected to serve, might usefully be made available to delegations. Furthermore, contrary to the Administration's policy of accepting unanimous JAB recommendations, except where a major question of law or principle was involved, five unanimous JAB recommendations were reported as having been rejected. Clarifications would be welcome, as would further details on each of the unanimous JAB recommendation thus rejected and on the number of unanimous JAB recommendations rejected by the Administration and subsequently confirmed by the Administrative Tribunal.

58. With reference to General Assembly resolution 42/220 B, no official reply had yet been given to the General Assembly with regard to the appointment of an ombudsman within the Secretariat. A study should be carried out on that subject.

59. The composition, functioning and mandate of the Committee on Applications for Review of Administrative Tribunal Judgements left much to be desired and should be reviewed so as to enable applicants to bring appeals before a legally competent appeals body. Referring administrative cases to the already overburdened International Court of Justice was no solution. Moreover, continuity as well as the commitment and motivation of the members of that Committee would be better ensured if they were elected on the basis of some other criterion than membership of the General Committee of the General Assembly, and for a longer period. He suggested that the Secretariat should prepare a study reviewing the functioning and terms of reference of that Committee, for submission to the General Assembly at its forty-sixth session.

60. Mr. ABOU HADID (Syrian Arab Republic) expressed surprise that little information had been given in the report on the administration of justice in the Secretariat (A/C.5/45/L.11) on practical steps taken to improve the informal procedures for the amicable resolution of staff grievances, as requested by resolution 44/185 B. The third phase of the reform of the system of administration of justice in the Secretariat was to come to a close at the end of 1989. The report now before the Committee merely referred somewhat vaguely to the explanation of a new approach, which amounted to the establishment in one department of a departmental conciliation panel, to be followed by similar panels in other departments on an experimental basis, which in due course might replace the Secretariat bodies on discrimination and other grievances (para. 17).

61. The merits of that one panel had yet to be ascertained and, even if it were to prove successful, that success could not necessarily be replicated in other departments. In the event of an unresolved problem, the staff would still have to resort to the formal procedures. Such departmental panels might well lack the objectivity and confidentiality of the discrimination and grievance panels. In

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addition, the grievance might be against the management of the department to which the panel was required to report, in which case the formal procedures would again be necessary.

62. There was an even more manifest need for the panels on discrimination and other grievances where duty stations away from Headquarters were concerned, since many staff members had chosen in the past to refer their cases directly to the Headquarters panel for reasons of greater objectivity. Despite their much discussed shortcomings, the panels on discrimination and other grievances played a key role in the administration of justice in the Secretariat by separating insubstantial cases from those requiring referral to the formal procedures, thus easing the burden on the internal justice system. If the financial resources available for the internal justice system were not to be squandered on the mass of frivolous applications, the panels on discrimination and other grievances needed to be strengthened rather than replaced. The departmental panels, by their conciliatory nature, would not be in a position to handle the very serious matter of discrimination.

63. Discrimination and unfair treatment must be brought to light, a process which had been inhibited in the past by the fact that the panels' reports had always been rewritten to reflect a smoother functioning of the system and were not submitted directly to the General Assembly. The solution lay not in dismantling the panels, which would erode the informal process, but in retaining their overall reputation for objectivity while enhancing their authority and status and ensuring their efficient management. One way of doing that was to protect panel members and co-ordinators from any kind of pressure or coercion, and to provide them with maximum assistance and co-operation. Any further delay in the implementation of reform in that area through premature proposals on the replacement of the existing system would constitute a failure to comply with the General Assembly's specific directives.

64. Despite the requests in resolution 33/119 for a study of the possibility of establishing a single administrative tribunal for the entire system, and the wide debate that had ensued, the issue was still outstanding. The International Court of Justice was responsible for reviewing the judgements of the United Nations Administrative Tribunal and the International Labour Organisation Administrative Tribunal. The present limited method of review of their judgements was one of the most complex and controversial aspects of the functioning of those bodies. The need for some review body other than the Committee on Applications for Review of Administrative Tribunal Judgements, through which applications involving individual staff members were channelled, was clear, since it was repeatedly called upon to consider cases of a very complicated legal nature when neither its mandate nor its composition enabled it to do so properly. As a political organ, it should not be competent to review the decisions of a judicial body, but did so for want of an alternative. The existing system of review depended upon that Committee, whose composition and procedures should be considered anew to enable it to perform judicial or at least quasi-judicial functions and to function more like a jury so as to afford both the applicant and the respondent a real opportunity to put

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forward their respective points of view. The existing system could not be said to observe and ensure fully the overriding interests of the United Nations and the legitimate claims at law of its staff members. In order to unify jurisdiction and harmonize jurisprudence, the ideal would be the establishment of a second-tier administrative court with competence to review the decisions of the first-tier courts. Since that had so far proved difficult to achieve, a modified Committee on Applications for Review of Administrative Tribunal Judgements, with a new composition and new procedures, should be given the chance to improve and harmonize the administrative protection of staff members of international organizations and would be a step towards the introduction of that second-tier court.

The meeting rose at 1.10 p.m.